



# Hendry County Sheriff's Office

## General Order 19.14

<b>TITLE:</b> Conducted Electrical Weapons	<b>SHERIFF'S APPROVAL:</b> Digital
<b>ORIGINATION DATE:</b> July 20, 2018	<b>REVISION DATE:</b> May 24, 2019
<b>RELATED REFERENCES:</b> §943.1717, F.S.	
<b>CFA:</b> 4.08M, 10.10M	
<b>REVIEW FREQUENCY:</b> 3 YEARS	<b>DATE OF NEXT REVIEW:</b> May 24, 2022

**I. PURPOSE:** To establish guidelines for using electrical weapons.

**II. SCOPE:** This order shall apply to all sheriffs' office members.

**III. POLICY:** The Hendry County Sheriff's Office will protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in use of force events. Law Enforcement Officers only use the amount of force which is reasonable and necessary to bring an incident or situation under control. Reasonable force is only the amount of force needed to accomplish a lawful objective.

### IV. PROCEDURE:

#### A. Authorized Users

1. Officers will be authorized to carry a Dart Firing Stun Gun only after satisfactorily completing agency approved Dart Firing Stun Gun training (Per FDLE 8 hour user certification course). Authorized users will additionally have to attend a minimum 1-hour annual recertification training and annual review of the current law enforcement user warnings, conducted either in person or via the use of PowerDMS.

#### B. Device Readiness

1. The Dart Firing Stun Gun will be carried in an approved holster on the non-dominant side of the body. Those authorized to use the Dart Firing Stun Gun and assigned outside of uniformed patrol duties may use other department-approved holsters, and carry the weapon consistent with department training.
2. Only manufacturer approved battery power sources shall be used in the Dart Firing Stun Gun.
3. Only agency issued Dart Firing Stun Guns are authorized.

4. Prior to the beginning of every shift, a spark test or other manufacturer recommended test should be conducted with the Dart Firing Stun Gun to ensure that it is functioning properly and to keep the Dart Firing Stun Gun conditioned. The test should be conducted as directed in training.

#### C. Deployment

1. Subject to the conditions below, the Dart Firing Stun Gun may be used when Active Resistance or higher resistance levels are encountered. The justifications are the same officer/subject factors that exist in any other force decision in GO 1.4: Levels of Resistance.
2. A decision by a law enforcement officer or correctional officer to use a Dart Firing Stun Gun must involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the officer from passive physical resistance to active physical resistance and the person:
  - a. Has the apparent ability to physically threaten the officer(s) or others, or
  - b. Is preparing or attempting to flee or escape.
  - c. For further information, refer to Florida Statutes 943.1717.
3. Once the Dart Firing Stun Gun is deployed, officers should begin taking proactive measures to secure a suspect during the power cycle when possible and reduce the need for multiple Dart Firing Stun Gun deployments.
4. Immediately after securing any subject against whom the Dart Firing Stun Gun was deployed, officers will evaluate the subject for obvious signs of injury, drug/alcohol intoxication, and physical signs of a state of excited delirium. If an officer observes indications of any of the above, appropriate medical treatment should be sought immediately.
5. If the Dart Firing Stun Gun probes penetrate the target's skin, the probes will be removed in accordance with agency approved training. Removal of the Dart Firing Stun Gun probes that have struck sensitive skin areas such as the neck, throat, face/head, groin, female breast, or male nipple area, will be completed by the one of the following:
  - a. Emergency medical technician (EMT)
  - b. Paramedic
  - c. Medical doctor
6. After the deployment of a Dart Firing Stun Gun on a subject, the arresting deputy will have the subject evaluated and properly cleared by a medical professional, i.e., nurse, EMT, paramedic, or medical doctor.
7. Dart Firing Stun Gun probes that have struck a person's body shall be considered biologically hazardous material and should be either collected or disposed of appropriately.
  - a. Deputies shall verify that the "barb" of each Dart Firing Stun Gun probe is intact upon removal from the skin.
    - (1) Subjects from whom non-intact Dart Firing Stun Gun probes have been removed shall be referred to a medical facility for evaluation and removal of any remaining probe material as deemed appropriate by medical professionals.

- b. A photograph of the Dart Firing Stun Gun probes and the Dart Firing Stun Gun cartridge (clearly depicting the serial number and expiration date) shall be taken to document its condition prior to disposal or collection as evidence.
- c. After documenting the condition of the Dart Firing Stun Gun probes/cartridge, it may be disposed of as biohazardous waste in an appropriate container with the following exceptions:
  - (1) In custody related deaths occurring subsequent to Dart Firing Stun Gun probes.
  - (2) Upon the request of a supervisor or an investigator.
- d. When one of the aforementioned exceptions occurs, the Dart Firing Stun Gun probes and cartridge shall remain intact (do not break or tightly wind the wires) to retain forensic evidentiary value, and shall be collected as biohazard evidence per Policy 500.40: Evidence Collection and Storage.
- e. The safety of officers and innocent bystanders shall remain paramount in all situations. However, when encountering individuals who obviously meet the below descriptions, deputies shall endeavor to exhaust all other means possible of safe apprehension prior to deploying the Dart Firing Stun Gun. Absent special circumstances that can be properly articulated, a Dart Firing Stun Gun should not be used when the following conditions are present:
  - (1) Flammable, volatile, or explosive environments.
  - (2) When suspect appears to be pregnant.
  - (3) When suspect is positioned at an extended height and would likely fall, causing serious injury.
  - (4) When the suspect is operating a motor vehicle.
  - (5) When the suspect is holding a firearm.
  - (6) When the suspect is standing in or near a body of water.
  - (7) When the suspect obviously appears to be at extreme age (young children and/or the elderly).
  - (8) When the suspect is apparently physically disabled.
  - (9) When deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect officers and/or civilians.
- f. No changes, alterations, modifications or substitutions shall be made to the Dart Firing Stun Gun. An authorized vendor shall complete all repairs to a Dart Firing Stun Gun.
- g. Uniform deputies issued a Dart Firing Stun Gun shall carry the Dart Firing Stun Gun when engaged in any uniform assignment.

#### D. Reporting

1. Deputies shall notify their supervisor as soon as practical after each intentional or unintentional/accidental discharge, with the exception of function tests and training exercises. After discharge of a Dart Firing Stun Gun the deputy shall:
    - a. Document the details of the intentional or unintentional discharge in Case Management, Subject Resistance Form as well as a written case report by the end of their shift.
    - b. Photograph the Dart Firing Stun Gun probes and cartridge (clearly depicting the serial number and expiration date) along with all significant injuries and contact areas of the Dart Firing Stun Gun probes, if applicable.
    - c. The written case report for the unintentional/accidental discharge is to be referred to the Training Division for assignment of remedial training by a currently certified Dart Firing Stun Gun instructor.
    - d. Deployment situations that result in a Dart Firing Stun Gun being pointed at a suspect but not discharged, as well as intentional and unintentional discharges, will require documentation in the Computer Aided Dispatch (CAD) system. This report will document the circumstances resulting in the deployment or the discharge of the Dart Firing Stun Gun. Documentation of a deployment that does not result in a discharge will not require a Subject Resistance Form in Case Management.
  2. Supervisors will complete a documented review by the end of their shift and forward to the District Commander.
  3. The District Commander will complete a documented review of the Subject Resistance. The District Commander will notify the Chief Deputy and Training Captain of all discharges of a Dart Firing Stun Gun.

#### E. Downloading Data

1. The Dart Firing Stun Gun stores the sequence number, date and time of discharge, duration of the cycle(s), the internal temperature of the Dart Firing Stun Gun, the remaining battery strength, and any time changes are made to the Dart Firing Stun Gun. All of this data can be accessed via a data port download.
2. Training instructors will complete an annual inspection and download data.
3. Supervisors may request a download of the Dart Firing Stun Gun at any time. Any deputy issued such an order will immediately respond to this request as instructed by the supervisor or training instructor.

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#### V. GLOSSARY:

**ACTIVE RESISTANCE** – A subject actively resists when they take affirmative action in an attempt to defeat a Deputies ability to take them into custody.

**CAD** – Computer Aided Dispatch system to record criminal and non-criminal requests for service.

**DART FIRING STUN GUN** – A non-lethal level of force used to control a person during an arrest or a custodial situation, in which the person under arrest or in custody escalates resistance to the officer from passive physical resistance to active physical resistance.

**ELECTRONIC CONTROL DEVICE** – A less lethal weapon that utilize an electrical current to disrupt the subjects motor nervous system, or affect the subjects sensory nervous system be causing pain due to its application in order to bring the resisting subject into compliance.

**LEAD WIRES** – The small metallic wires that connect the probes to the Dart Firing Stun Gun once fired.

**PROBES** – The portion of the system that is actually projected when fired. There are two per cartridge.

**UNIFORMED EMPLOYEES** – Employees who are sworn law enforcement/corrections officers whose assignment and duties require the wearing of agency approved uniforms.

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**Your electronic signature in Power DMS acknowledges you have read this policy and understand it.**